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ACTION ARA-01

INFO	LOG-00	ACDA-17	AID-01	AMAD-01	CIAE-00	C-01	DODE-00
	EB-01	HA-09	H-01	INRE-00	INR-01	IO-19	JUSE-00
	LAB-04	L-03	ADS-00	NSAE-00	NSCE-00	OIC-02	OMB-01
	PA-01	PM-02	PRS-01	P-01	RP-10	SIL-01	SNP-01
	SP-01	SR-01	SS-01	STR-18	TRSE-00	T-01	USIE-00

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-----6C8A87 101607Z /38

P 101605Z OCT 92
 FM AMEMBASSY CARACAS
 TO SECSTATE WASHDC PRIORITY 4563
 INFO AMEMBASSY BOGOTA
 AMEMBASSY BRASILIA
 USCINCSO QUARRY HEIGHTS PM

C O N F I D E N T I A L SECTION 01 OF 02 CARACAS 10802

E.O.12356: DECL:OADR
 TAGS: PGOV, ELAB, PHUM, KJUS, VE
 SUBJECT: POLITICAL NEWS THROUGH OCTOBER 9

1. (UNC) THE FOLLOWING ARE ITEMS OF POLITICAL
 INTEREST THAT HAVE OCCURED IN RECENT DAYS.

SUPREME COURT REVOKES RIOS' CONDITIONAL RELEASE

2. (UNC) THE VENEZUELAN SUPREME COURT, BY UNANIMOUS
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 DECISION, HAS OVERTURNED THE SUPERIOR COURT'S DECISION
 TO GRANT CONDITIONAL RELEASE TO LABOR LEADER ANTONIO
 RIOS. BY ITS DECISION ON OCTOBER 8, THE SUPREME COURT
 ACCEPTED THE ARGUMENTS OF THE PUBLIC PROSECUTOR
 ("FISCAL GENERAL") RAMON ESCOVAR SALOM THAT THE
 GRANTING OF CONDITIONAL RELEASE BY THE SUPERIOR COURT
 ("TRIBUNAL SUPERIOR DE SALVAGUARDA") HAD VIOLATED THAT
 PROVISION OF THE LAW WHICH SPECIFICALLY PROHIBITS
 CONDITIONAL RELEASE IN CASES OF THE CRIMES OF WHICH
 RIOS IS ACCUSED. THE SUPERIOR COURT JUDGE HAD EARLIER
 RULED THAT THAT PROVISION CONFLICTED WITH THE

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CONSTITUTIONAL REQUIREMENT OF EQUAL APPLICATION OF THE LAW TO ALL DEFENDANTS AND WAS, HENCE, UNCONSTITUTIONAL (CARACAS 9665).

3. (UNC) THE IMMEDIATE EFFECT ON RIOS IS UNCERTAIN. RIOS, WHO STEPPED ASIDE AS PRESIDENT OF THE CONFEDERATION OF WORKERS OF VENEZUELA (CTV) IN JULY DUE TO THE CHARGES OF INFLUENCE-PEDDLING AND EMBEZZLEMENT PENDING AGAINST HIM, WAS THE VICTIM OF AN ASSASSINATION ATTEMPT TWO WEEKS AGO (CARACAS 10121) AND IS STILL RECUPERATING AT HOME. HIS CONDITION IS SAID TO BE "DELICATE." THE SPECULATION IS THAT THE COURT MAY ORDER HIM TO BE HELD IN A HOSPITAL.

4. (C) THIS DECISION IS CERTAIN TO PROVOKE OUTRAGE ON THE PART OF VENEZUELAN LABOR LEADERS. THEY HAVE SAID PUBLICLY (AND PRIVATELY TO LABATT) THAT THE ACTION TAKEN AGAINST RIOS BY THE PUBLIC PROSECUTOR WAS POLITICALLY MOTIVATED. THEY MAINTAIN THAT ESCOVAR SALOM IS ACTING UNDER LEFTIST INFLUENCE (SPECIFICALLY, CONFIDENTIAL

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THEY CLAIM THAT HE HAS STAFFED HIS PUBLIC PROSECUTOR'S OFFICE WITH YOUNG ATTORNEYS BELONGING TO THE LEFTIST CAUSA R AND MAS POLITICAL PARTIES) AND THAT HIS SINGLING OUT OF RIOS FOR PROSECUTION (WHEN MANY OTHER PARLIAMENTARIANS, THEY CLAIM, ARE MORE BLATANTLY CORRUPT) IS PART OF A GENERAL ASSAULT ON VENEZUELAN DEMOCRATIC INSTITUTIONS.

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PRESIDENT ORDERS INVESTIGATION OF "COMANDANTE ZACARIAS" INTERVIEW

5. (UNC) PRESIDENT PEREZ HAS ORDERED AN INVESTIGATION OF THE PRESS INTERVIEW WITH "COMANDANTE ZACARIAS," THE SELF-PROCLAIMED LEADER OF THE TERRORIST GROUP (THE BOLIVARIAN LIBERATION FORCES) WHICH HAS CLAIMED RESPONSIBILITY FOR THE SHOOTING OF ANTONIO RIOS. IN RESPONSE TO THE CLAIM BY JOURNALISTS THAT THIS WOULD BE AN ATTACK ON FREEDOM OF EXPRESSION, CAP POINTED OUT THAT THE CONSTITUTIONAL ARTICLE WHICH PROTECTS FREEDOM

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OF EXPRESSION ALSO PROHIBITS THE PROVOKING OF
DISOBEDIENCE OF THE LAW.

6. (UNC) CAP: "ARTICLE 66 OF THE CONSTITUTION WHICH
PROTECTS THE FREEDOM OF EXPRESSION ALSO STATES THAT ALL
EXPRESSIONS WHICH CONSTITUTE A CRIME WILL BE SUBJECT TO
THE PENALTY OF THE LAW. THERE IS NO DOUBT THAT THE
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PUBLICATION OF AN INTERVIEW, IN A NEWSPAPER, WITH A
DISGUISED PERSON WHO CLAIMS TO HAVE COMMITTED VARIOUS
CRIMES SUCH AS THE ASSASSINATION ATTEMPT ON ANTONIO
RIOS, AND WHO ANNOUNCES HIS INTENTION TO COMMIT OTHERS,
MERITS IMMEDIATE ACTION BY THE AUTHORITIES TO
INVESTIGATE THE COMMISSION OF THESE CRIMES AND TO
IDENTIFY THOSE RESPONSIBLE."

7. (C) IN A SIMILAR ACTION, THE JOURNALISTS WHO
CONDUCTED THE INTERVIEW TWO DAYS AGO WITH THE
SELF-PROCLAIMED SECRETARY GENERAL OF THE "BANDERA ROJA"
GUERRILLA GROUP (CARACAS 10747) WERE SUMMONED FOR
QUESTIONING BY THE INTELLIGENCE POLICE (DISIP). THE
GOVERNMENT HAS BEEN CONCERNED FOR SOME TIME NOW WITH

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INFO AMEMBASSY BOGOTA
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C O N F I D E N T I A L SECTION 02 OF 02 CARACAS 10802

E.O.12356: DECL:OADR
TAGS: PGOV, ELAB, PHUM, KJUS, VE
SUBJECT: POLITICAL NEWS THROUGH OCTOBER 9

THE GROWING WILLINGNESS OF THE PRESS TO GIVEN FREE REIN
TO ADVOCATES OF POLITICAL VIOLENCE AND THESE TWO
INVESTIGATIONS ARE CLEARLY INTENDED TO DISSUADE THE
PRESS FROM CONTINUING TO DO SO.

PRISON DIRECTOR DISMISSED

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8. (UNC) JUSTICE MINISTER MENDOZA ANGULO ON OCTOBER 8
REQUESTED THE RESIGNATION OF THE DIRECTOR OF PRISONS,
AND DISMISSED OUTRIGHT THE DIRECTOR OF CATIA PRISON.
BOTH ARE ACCUSED OF ACCEPTING BRIBES TO PERMIT DRUG
TRAFFICKING WITHIN CATIA PRISON AND OF ARRANGING THE
TRANSFER OF DRUG TRAFFICKERS TO HOSPITALS FROM WHICH
THEY SUBSEQUENTLY ESCAPED. IN COMMENTING ON THE
SITUATION IN THE PRISONS, CONGRESSWOMAN PAULINA GAMUS,
CHAIR OF THE JUSTICE COMMITTEE OF THE VENEZUELAN
CONGRESS, SAID THAT THE COMMITTEE WOULD BE RECOMMENDING
TO THE JUSTICE MINISTER MEASURES TO ELIMINATE THE
"MAFIAS" WHICH ARE PRESENTLY OPERATING THERE.

CONSTITUTIONAL REFORM PROSPECTS

9. (C) DURING AN OCTOBER 8 RECEPTION AT HOME OF
POLCOUNS, AD PARTY INSIDER [] SAID THAT THE

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CONSTITUTIONAL REFORM PACKAGE WAS BY NO MEANS DEAD. HE CLAIMED SOMETHING WE HAD NOT HEARD ELSEWHERE: THAT THE AD PARTY'S DECISION TO DELAY FURTHER ACTION ON THE CONSTITUTIONAL PACKAGE WAS CAUSED NOT ONLY BY THE LACK OF "CONSENSUS" IN THE GENERAL PUBLIC, BUT SPECIFICALLY BECAUSE AD DID NOT WANT TO FACE ANOTHER ATTEMPT (IN THE SENATE OR IN A JOINT CONGRESSIONAL SESSION) TO SHORTEN THE PRESIDENT'S TERM. HE MORE THAN IMPLIED THAT ANOTHER ATTEMPT MIGHT HAVE SUCCEEDED. IF AND WHEN THE REFORM PACKAGE IS TAKEN UP AGAIN, [] INDICATED THERE WAS SERIOUS INTEREST IN ADOPTING A "PURE" UNINOMINAL ELECTION SYSTEM FOR THE CONGRESS, BUT
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ONLY/ONLY IF THE OPPOSITION, ESPECIALLY COPEI, GAVE A PREVIOUS COMMITMENT NOT TO TRY TO PRESS FOR TERM-SHORTENING AS WELL. (COMMENT: ABSENT SUCH A COPEI COMMITMENT, WE GOT THE IMPRESSION FROM [] THAT THE CONSTITUTIONAL REFORMS MIGHT CONTINUE TO LANGUISH.)

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